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"Mail Stop AF, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)).

On November 16, 2006

Signature 

Typed or printed

Name Scott W. Brim

Attorney Docket No. 8285/646

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                                     |   |                            |
|-------------------------------------|---|----------------------------|
| In re Application of:               | ) |                            |
|                                     | ) |                            |
| Patrick J. Walsh                    | ) |                            |
|                                     | ) | Examiner: Nguyen, David Q. |
| Serial No.: 10/686,553              | ) |                            |
|                                     | ) | Group Art Unit No.: 2681   |
| Filing Date: October 14, 2003       | ) |                            |
|                                     | ) |                            |
| For: Location Privacy Manager for a | ) |                            |
| Wireless Communication Device       | ) |                            |
| and Method Thereof                  | ) |                            |

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application.

No amendments are being filed with this request.

This request is being filed with a notice of appeal

The review is requested for the reasons stated on the attached sheets. No more than five (5) pages are provided.

## **I. Introduction**

Claims 1-12, 19, 21, and 23-25 are pending in the application. In the final Office Action dated July 26, 2006, the Examiner rejected claims 1, 6, 11-12, 19, 21, 23, and 25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,675,017 ("Zellner"). Further, claims 2-5, 7-10, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zellner in view of U.S. Pat. No. 6,442,391 ("Johansson"). Applicant respectfully requests review of the final rejection.

## **II. Zellner Does Not Teach Allowing a Remote Source to Know Either an Identity or a Location of a Wireless Communication Device While Prohibiting the Remote Source from Knowing Both the Identity and Location of the Wireless Device**

Independent claim 1 recites the action of allowing a remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device. Zellner fails to disclose at least this element of claim 1.

Zellner is directed to a system that provides a location blocking service for use in a wireless network. In the final Office Action, the Examiner asserted that Col. 4, lines 20-37 and Col. 6, lines 3-30 disclose allowing a remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device. Applicant respectfully disagrees. In Zellner, the only discussion regarding actions of the Zellner system and an identify of a wireless device discusses blocking both an identity and a location of the wireless device such that the remote source would not know either an identity or a location of the wireless device. (Col. 4, lines 20-37, Col. 8, lines 50-65). In fact, in the Office Action dated January 23, 2006, the Examiner cited Zellner for the teaching of prohibiting a remote source from knowing both an identify and a location of the wireless device. (See Office Action dated Jan. 23, 2006, page 3). In other words, because the only actions of the Zellner system regarding an identity of a wireless device involving blocking both an identity and a location of the wireless device, it would not be possible to at the same to know either an identity or a location of the wireless device.

Because Zellner fails to disclose at least the action of allowing a remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device in response to determining the wireless device approves of the remote source, Zellner cannot anticipate independent claim 1, or any claim that depends on claim 1. Applicant respectfully requests review of the final rejection.

### **III. Zellner Does Not Anticipate Independent Claim 19 and 21**

Independent claims 19 and 21 recite the action of allowing a remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device in response to determining the wireless device approves of the remote source. As discussed above, Zellner fails to disclose at least this element. For at least this reason, Zellner cannot anticipate independent claims 19 and 21. Applicant respectfully requests review of the final rejection.

### **IV. Zellner Does Not Anticipate Independent Claims 23 and 25**

In the section of the Office Action regarding the rejections under 35 U.S.C. § 102(e), the Examiner asserts that Zellner discloses each element of claims 23 and 25. However, in the section of the Office Action regarding the rejections under 35 U.S.C. § 103(a), the Examiner admits that "Zellner et al. does not mention the step of managing further comprising: receiving a request for location information associated with the wireless communication device from the remote source; determining whether or not the wireless communication device approves of the remote source in response to receiving the request for location information; sending the location information to the remote source in response to determining that the wireless communication device approves of the remote source." Independent Claims 23 and 25 include elements similar to those the Examiner has admitted that Zellner fails to disclose. Applicant respectfully requests review of the final rejection.

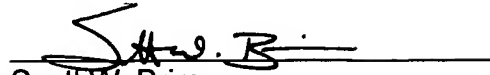
**V. The Examiner Has Admitted that Zellner Fails to Disclose Prohibiting a Device From Knowing Both an Identifier and a Location of a Wireless Communication Device**

As discussed above, Zellner fails to disclose the action of allowing a remote source to know either an identity or a location of a wireless communication device while prohibiting the remote source from knowing both the identity and location of the wireless communication device in response to determining the wireless device approves of the remote source. The Examiner has previously admitted, "Johanson never mentions or disclose prohibiting a device from knowing both an identifier and a location of a wireless communication device." (See Office Action dated Sept. 20, 2005, page 3). Thus, Johansson necessarily cannot disclose the action of allowing a remote source to know either an identity or a location of a wireless communication device **while prohibiting the remote source from knowing both the identity and location of the wireless communication device** in response to determining the wireless device approves of the remote source as recited in claim 1. Due to the fact Zellner and Johansson both fail to disclose at least this element, the proposed combination of Zellner and Johansson as contemplated by the Examiner necessarily cannot render claim 1, or any claim that depends on claim 1, unpatentable. Applicant respectfully requests review of the final rejection.

**VI. The Proposed Combination Does Not Render Claim 23 Unpatentable**

Independent claim 23 recites the elements of managing communication between a wireless communication device and a remote source to prohibit the remote source from knowing both an identity and a location of the wireless communication device, and sending location information to the remote source. As discussed above, Zellner and Johansson both fail to disclose at least managing communication between a wireless communication device and remote source to prohibit the remote source from knowing both an identity and a location of the wireless communication device while sending location information to the remote device. For at least this reason, the proposed combination of Zellner and Johansson as contemplated by the Examiner does not render independent claim 23, or any claim that depends on claim 23, unpatentable. Applicant respectfully requests review of the final rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott W. Brim", is written over a horizontal line.

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Registration No. 51,500  
Attorney for Applicants

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional) 8285-646

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On November 16, 2006Signature 

Typed or printed

Name Scott W. BrimApplication Number  
10/686,553Filed October 14, 2003First Named Inventor Patrick J. WalshArt Unit  
2681

Examiner

Nguyen, David Q.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

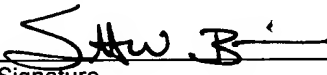
This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five(5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 51,500
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34.

  
SignatureScott W. Brim  
Typed or Printed Name312 321-4200  
Telephone numberNovember 16, 2006  
Date

Note: Signatures of all inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.\*

- ☒ \*Total of 1 forms are submitted.